



FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED
SEP 12 2008

In re Application of
Richard Rodriguez-Val et al.
Application No. 10/032,006
Filed: December 31, 2001
Attorney Docket No. **06975-179001/**
COMMERCE 04

ON PETITION

This is a decision on the petition filed June 24, 2008, to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181(b) in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to file a timely response to the Supplemental Notice of Allowability mailed August 1, 2007. Accordingly, a Notice of Abandonment was mailed April 24, 2008.

The file record discloses that the Supplemental Notice of Allowability was mailed to the address of record, the same address to which the Notice of Abandonment was mailed. However, petitioner contends that the Notice of Allowability was not received. In support, petitioner indicates that a search of the file and docket records revealed that the Notice was not received and submits copies of pages from docket records, wherein receipt of the Notice would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Supplemental Notice of Allowability was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2164 for treatment of the response to the Supplemental Notice of Allowability filed June 24, 2008 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions